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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 09/996,718 | 11/30/2001 | Won Uk Yu | P-0303 | 3711 |
| 34610 | 7590 | 08/22/2006 | EXAMINER CHANKONG, DOHM | |
| FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153 | | | ART UNIT 2152 | |

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,718

Applicant(s)

YU, WON UK

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> This action is in response to Applicant's remarks, filed 6.22.2006. Claims 1-16 and 18-24 are presented for further examination.
- 2> This is a final rejection.

Response to Arguments

I. Response to Applicant's arguments

Applicant argues in substance that the Barton provisional application does not disclose the specific use of an authentication number for authorization for decryption. Applicant further argues that the Barton provisional application does not disclose checking a validity of the transmitted authentication number, and providing information to the Internet TV for the current session if it is determined that the authentication number is valid, requesting a new authentication number from the server if the authentication number is not available, registering a user Applicant's arguments have been fully considered but they are not persuasive.

A. The subject matter relied upon to make the rejection is entitled to the earlier filing date of the provisional application

The appropriate test is based on whether Barton is entitled to the earlier filing date of its provisional application. "The 35 U.S.C. 102(e) critical reference date of a U.S. patent or U.S. application publications and certain international application publications entitled to the benefit of the filing date of a provisional application under 35 U.S.C. 119(e) is the filing date of the provisional application...if the provisional application(s) properly supports the subject

Art Unit: 2152

matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph.”

MPEP §2136.03(III).

Thus, Applicant's exclusive focus on Barton's provisional application in the arguments is misplaced. The appropriate analysis is centered on whether or not the subject matter relied upon to make the rejection in Barton's application publication is entitled to the benefit of the filing date of the provisional application. The subject matter is entitled to the benefit of the earlier filing date if the subject matter is properly supported by the provisional application.

Here, Barton was relied upon for the proposition of checking if an authorization number is available at a user's internet TV [0029, 0050, 0081 where : Barton discloses looking for a stored cookie with the user's authorization key], if the authorization number is not available, submitting a new authorization number to the user [0047], and storing the new authorization number in a memory device of the internet TV for use during a later session [0047, 0050 : storing the authorization information as a cookie at the user computer]. Barton's authorization key is utilized in the same fashion as Applicant's claimed authentication number.

Barton's provisional application supports this subject matter. For example, the provisional application teaches the use of encryption keys that are exchanged over the network and utilized by the internet TV systems to use the media streams [pgs. 12-15]. Further, the provisional application discusses distributing the authentication keys as well as information for each receiver [pg. 6]. Therefore, the subject matter relied upon in Barton to

Art Unit: 2152

make the rejection is entitled to the earlier filing date of the provisional application and is prior art.

II. Conclusion

For the foregoing reasons, Applicant's arguments are not persuasive. The claim rejections set forth in the previous action are maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4> Claims 1-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted Prior Art ("AAPA", hereafter), in view of Nobakht (US 6,785,716), in further view of Barton et al, U.S Patent Publication No. 2003/0095791 ["Barton"].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

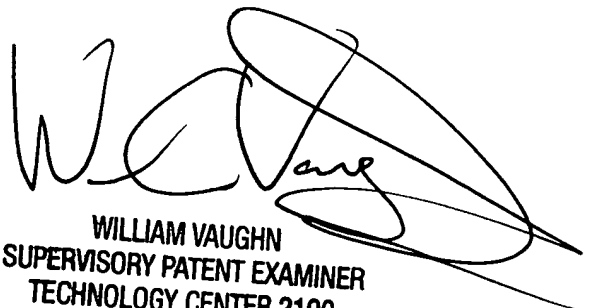
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



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